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MAILED

APR 13 2010

OFFICE OF PETITIONS

In re Patent No. 7,575,917	:	
Gilbertson et al.	:	DECISION ON REQUEST FOR
Issue Date: August 18, 2009	:	RECONSIDERATION OF
Application No. 10/821,711	:	PATENT TERM ADJUSTMENT
Filed: April 8, 2004	:	AND NOTICE OF INTENT
Attorney Docket No. MONS:140US	:	TO ISSUE CERTIFICATE OF
Title: DNA CONSTRUCTS AND	:	CORRECTION
METHODS TO ENHANCE THE	:	
PRODUCTION OF COMMERCIALY	:	
VIABLE TRANSGENIC PLANTS	:	

This is a decision on the petition filed on October 16, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred seventy-seven (777) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by seven hundred seventy-eight (778) days is **GRANTED to the extent indicated herein.**

The total reduction for patentees delay is 162 days, not 163 days. More specifically the submission of the supplemental response on March 26, 2009 resulted in a 71-day reduction, not a 72-day reduction. The 71 days was calculated based on the period beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper filed. Here, the day after the initial reply was submitted was January 15, 2009 and the supplemental reply was submitted on March 26, 2009.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by seven hundred seventy-eight (778) days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

Cc: Marshall P. Byrd
Sonnenschein Nath & Rosenthal L.L.P.
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,575,917 B2

DATED : **August 18, 2009**

DRAFT

INVENTOR(S) : Gilbertson et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 312 days

Delete the phrase "by 312 days" and insert – by 778 days--